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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
VINCE MING WAN, )  
a/k/a Nelson Wan, )  
a/k/a Phillip Hoang, )  
ALEX WAI SHING FONG, )  
PHUNG VAN NGUYEN, )  
KITTY YEE LI, )  
JAY YUAN, )  
MICHAEL YUK LAM LEUNG, and )  
EDWIN GORDON TOY, )  
 )  
Defendants. )

No.: CR 06-0426 SI

[PROPOSED] ORDER EXCLUDING  
TIME FROM SPEEDY TRIAL ACT  
COMPUTATION

All defendants except Phung Van Nguyen appeared before the Court on September 1, 2006 at 11:00 a.m. Phung Van Nguyen has never been arrested and is still being sought by the government as a fugitive.

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1 At the hearing, the parties jointly requested a continuance of this case until  
2 October 20, 2006 at 11:00 a.m. At that next appearance, the parties will be expected to  
3 discuss a motions hearing and briefing schedule.

4 The parties agreed in open Court, with their attorneys' concurrence, that this case  
5 should be declared legally and factually complex, and that it is appropriate to exclude  
6 from the otherwise applicable Speedy Trial Act computation the period from the  
7 inception of the case through October 20, 2006. The parties represented that the  
8 underlying investigation pertains to three related prosecutions, all of which stem from the  
9 same wiretap investigation. The parties represented that the three cases in the aggregate  
10 involve voluminous discovery (up to 150,000 pages, taking into account seized computer  
11 data), include wiretap materials which pertain to some defendants in this case, and  
12 involve search warrants and investigations by a number of local, state, and federal law  
13 enforcement agencies. Further, this case encompasses seven defendants. Accordingly,  
14 the parties agreed, the entire period from the inception of this case through and including  
15 October 20, 2006, should be excluded from the otherwise applicable Speedy Trial Act  
16 computation, because the legal and factual complexity renders it unreasonable to expect  
17 adequate preparation for pretrial proceedings and for the trial within the otherwise  
18 applicable time limits set forth in the Speedy Trial Act.

19 Based upon the above-described representations and the parties' agreement in open  
20 Court, THE COURT FINDS THAT the ends of justice served by granting a continuance  
21 from the inception of this case through and including October 20, 2006 outweigh the best  
22 interest of the public and the defendants in a speedy trial, and that the case is so legally  
23 and factually complex, due to the nature of the prosecution (including the volume and  
24 range of discovery, and the nature of the underlying investigation) and the number of  
25 defendants, that it is unreasonable to expect adequate preparation for pretrial proceedings

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1 and for the trial within the otherwise applicable time limits set forth in the Speedy Trial  
2 Act, within the meaning of 18 U.S.C. § 3161(h)(8)(A) & (B)(ii).

3 Accordingly, THE COURT ORDERS THAT:

4 1. This case is continued to October 20, 2006 at 11:00 a.m. for further  
5 status and setting of motions.

6 2. The period from the inception of this case through and including  
7 October 20, 2006 is excluded from the otherwise applicable Speedy Trial Act  
8 computation, pursuant to 18 U.S.C. § 3161(h)(8)(A) & (B)(ii).

9 IT IS SO ORDERED.

10  
11 DATED:



12 HON. SUSAN ILLSTON  
13 United States District Judge  
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